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## DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

FILE: B-205996

DATE: January 22, 1982

MATTER OF: Tymshare, Inc.

## DIGEST:

Where the protester was notified by the procuring agency that August 3, 1981, was the deadline for receipt of proposal for conversion work, the basis of protest arises on that date through agency's failure to provide the protester with requested access to documentation necessary for preparation of a conversion proposal. Protest to GAO filed on January 4, 1982, is untimely under 4 C.F.R. § 21.2(b)(2) (1981), since it was not filed within 10 working days from date that the protester knew or should have known the basis of protest.

Tymshare, Inc., protests the award of a contract to another vendor by the Navy for teleprocessing services at the Naval Air Rework Facility, Alameda, California. We dismiss Tymshare's protest as untimely.

Tymshare's protest, received on January 4, 1982, contains information indicating that on June 24, 1981, Tymshare was notified that the Navy was conducting this procurement under the General Services Administration's Teleprocessing Services Program. Vendors were advised that some conversion work was required. In order to be considered for award, vendors were asked to provide the Navy with written notice of interest in the procurement by July 19, 1981. By letter dated June 19, 1981, the Navy expressly notified Tymshare that a proposal covering the conversion work must be received at the Navy selecting activity by August 3, 1981, and that all supporting documentation was available upon request from the selecting activity. Potential offerors would have to review the documentation prior to determining the extent of (or necessity for) conversion work.

Tymshare sent the Navy a letter expressing interest in being selected for award and Tymshare states that it made numerous requests that the Navy furnish all relevant documentation. Tymshare never received the requested documentation, and on December 29, 1981, Tymshare learned that the Navy made award to another vendor. Tymshare argues that it received no written statements regarding any deadlines for submitting proposals and, prior to December 29, 1981, no notice that award was made. Tymshare requests that the Navy furnish the requested documentation and conduct another competition for the requirement.

We note that contrary to Tymshare's argument--that it received no written notice of deadlines for submitting proposals--documents submitted with its protest show that Tymshare was notified that a conversion proposal was due by August 3, 1981. Determining the need for and extent of that proposal necessitated access to the documentation. In our view, the Navy's failure to provide the documentation to Tymshare by August 3, 1981, constituted Tymshare's basis of protest since August 3, 1981, was the first deadline missed by Tymshare. See Mil-Air Engines & Cylinders, Inc., B-203659, October 26, 1981, 81-2 CPL 341, aff'd, B-203659.2, November 30, 1981, 81-2 CPD 430.

In our view, by August 3, 1981, Tymshare knew or should have known that the Navy was not going to take the action requested by Tymshare. California Computer Products, Inc. B-193611, March 6, 1979, 79-1 CPD 150. Under our Bid Protest Procedures, Tymshare had 10 working days to protest here from the date that the basis of protest was known or should have been known. 4 C.F.R. § 21.2(b)(2) (1981). Since Tymshare's protest was not filed here within 10 working days of August 3, 1981, the protest is untimely and will not be considered on the merits.

Protest dismissed.

*Harry R. Van Cleve*  
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Acting General Counsel